

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

Heather Kerchen, Lori Kerchen,
and Dale Kerchen,

Plaintiffs,

Case No. 4:22-cv-12492
Hon: Shalina D. Kumar

v

Christian Raphalides (in his individual and
official capacities), University of Michigan,
James H. Woods (in his individual and
official capacities, & Unknown Does
(in their individual – and where appropriate –
official capacities),

Defendants.

Dustyn K. Coontz (P80102)
COONTZ LAW
1100 W. Saginaw St., Suite 4
Lansing, MI 48915
(517) 940-8004
Attorneys for Plaintiffs
dc@coontzlaw.com

Brian M. Schwartz (P69018)
Lawrence T. García (P54890)
Sydney G. Rohlicek (P85655)
MILLER, CANFIELD, PADDOCK
AND STONE, P.L.C.
150 W. Jefferson Ave., Suite 2500
Detroit, MI 48226
(313) 963-6420
*Attorneys for Defendants University of
Michigan and Dr. James H. Woods*
schwartzb@millercanfield.com
garcia@millercanfield.com
rohlicek@millercanfield.com

DEFENDANTS' NOTICE OF APPEAL

Defendants, the University of Michigan and James H. Woods, give notice of their appeal to the United States Court of Appeals for the Sixth Circuit from the Opinion and Order Denying Without Prejudice the Defendants' Motion to Dismiss and Ordering Limited Discovery (ECF No. 19) entered in this action on August 2, 2023. The Sixth Circuit has jurisdiction under the collateral order doctrine because the District Court's August 2, 2023 Order denied Defendants' motion in its entirety, including its request to dismiss based on sovereign immunity. 28 U.S.C. § 1291; *Smith v. Leis*, 407 F. App'x 918, 926 (6th Cir. 2011).

This Notice of Appeal is timely, having been filed within 30 days after entry of the Court's August 2, 2023 Order. Fed. R. App. P. 4(a)(1)(A).

Respectfully submitted,

/s/Brian M. Schwartz

Brian M. Schwartz (P69018)

Lawrence T. García (P54890)

Sydney G. Rohlicek (P85655)

MILLER, CANFIELD, PADDOCK AND
STONE, P.L.C.

150 W. Jefferson Ave., Suite 2500

Detroit, MI 48226

(313) 963-6420

*Attorneys for Defendant University of
Michigan and Dr. James H. Woods*

schwartzb@millercanfield.com

garcia@millercanfield.com

rohlicek@millercanfield.com

Dated: August 10, 2023

CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2023, I electronically filed the foregoing paper with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

/s/Brian M. Schwartz

Brian M. Schwartz (P69018)